

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RYAN DEKEYSER, et al.,

Plaintiffs,

v.

Case No. 08-C-488

THYSSENKRUPP WAUPACA INC.
d/b/a WAUPACA FOUNDRY INC.,

Defendant.

DECISION AND ORDER

Presently before the court is Defendant's Civil L.R. 7(h) expedited non-dispositive motion for a protective order prohibiting the Rule 30(b)(1) depositions of "current management employees" working in the Plant 2 Coreroom and Plant 2 VMM Departments. For the following reasons, the motion will be denied.

On September 28, 2017, the court entered a scheduling order limiting the trial scheduled for October 22, 2018 regarding liability issues to Plant 2 Millroom and Plant 2/3 Melt Department employees. On February 22, 2018, Defendants received notice of a deposition of a current management employee working in the Plant 2 Coreroom and Plant 2 VMM Departments. Defendants now request that the court enter a protective order prohibiting Plaintiffs from taking these depositions because neither the Coreroom nor VMM Departments in Plant 2 are the subject of the upcoming trial. Plaintiffs argue this discovery is relevant to the Plant 2 Millroom employees because moldings and cores from the Plant 2 VMM and Coreroom Departments also end up in the Plant 2 Millroom. As a result, Plaintiffs seek to depose employees that are knowledgeable about

products and materials used by Defendant to make molds and cores in these departments to determine the products and chemicals the Plant 2 Millroom employees may be exposed to.

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, “Parties may obtain discovery regarding any nonprivileged matter that is relevant to a party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). Here, the proposed depositions are relevant to Plaintiffs’ claim. In addition, the court finds that Defendant will not be prejudiced by this discovery as there is little danger that permitting these depositions will yield a slippery slope of discovery requests separate from the issues related to the liability phase of trial in this case.

IT IS THEREFORE ORDERED that Defendant’s Civil L.R. 7(h) motion for a protective order (ECF No. 639) is **DENIED**.

Dated this 19th day of March, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court